

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SPECTRUM WT, BARRETT BRIGHT,
and LAUREN STOVALL,

Plaintiffs,

v.

WALTER WENDLER, in his individual capacity and his official capacity as the President of West Texas A&M University,

CHRISTOPHER THOMAS, in his official capacity as Vice President for Student Affairs at West Texas A&M University,

JOHN SHARP, in his official capacity as Chancellor of the Texas A&M University System,

ROBERT L. ALBRITTON, JAMES R. BROOKS, JAY GRAHAM, MICHAEL A. HERNANDEZ III, TIM LEACH, BILL MAHOMES, ELAINE MENDOZA, MICHAEL J. PLANK, CLIFF THOMAS, and DEMETRIUS L. HARRELL JR., in their official capacities as members of the Board of Regents of the Texas A&M University System,

Defendants.

Case No.: 2:23-cv-00048-Z

Hon. Matthew J. Kacsmaryk

ORAL ARGUMENT REQUESTED

**PLAINTIFS' MOTION FOR A TEMPORARY RESTRAINING ORDER
AND A PRELIMINARY INJUNCTION**

Plaintiffs Spectrum WT, Barrett Bright, and Lauren Stovall, through their undersigned counsel, move under Federal Rule Civil Procedure 65 for the following temporary restraining order and preliminary injunction against all Defendants:

1. Defendants, and their employees, agents, servants, officers, and persons in concert with Defendants, are enjoined from preventing Plaintiffs' March 31, 2023 event from moving forward in the manner Tentatively

Confirmed by West Texas A&M University on March 14, 2023, and shall allow Plaintiffs to complete the remaining steps expressly required by university written policy for events, if any.

2. Defendants, and their employees, agents, servants, officers, and persons in concert with Defendants, are enjoined from prohibiting Plaintiffs from holding future events similar to the March 31, 2023 event.

In support of this Motion, Plaintiffs rely on the accompanying Brief in Support and their Verified Complaint [Dkt. 1]. As Plaintiffs show in their brief, they are entitled to immediate and preliminary injunctive relief because (1) Plaintiffs are substantially likely to succeed on the merits of their claims, (2) Plaintiffs are and will continue to suffer irreparable harm in the loss of their First Amendment rights absent immediate relief from this Court, (3) the balance of equities decidedly tips in favor of protecting Plaintiffs' First Amendment rights, and (4) the public interest always supports upholding the Constitution.

Plaintiffs respectfully request that the Court issue an *ex parte* temporary restraining order given the ongoing irreparable injury to their First Amendment rights.

Plaintiffs also request opportunity to be heard on this Motion as soon as the Court's schedule allows.

A proposed order is attached.

Dated: March 24, 2023

Respectfully submitted,

/s/ JT Morris
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* *Pro Hac Vice* motions
forthcoming

Attorneys for Plaintiffs

CERTIFICATE OF REASONABLE EFFORTS TO GIVE NOTICE OF TRO
AND OF CONFERENCE

Under Fed. R. Civ. P. 65(b)(1)(B) and Local Rule 7.1, I certify that on the morning of March 24, 2022, I sent a copy of Plaintiffs' verified complaint by email to Ray Bonilla (rbonilla@tamus.edu), general counsel for the Texas A&M University System. I informed Mr. Bonilla of Plaintiffs' intent to file a temporary restraining order and preliminary injunction motion later in the day on March 24, and asked if Defendants had a position on Plaintiffs' motion. Mr. Bonilla has not provided a position.

Immediately after filing Plaintiffs' TRO and preliminary injunction motion, I sent a copy of the motion, supporting brief, and proposed order to Mr. Bonilla by email. Plaintiffs are also making efforts to personally serve each Defendant with process and a copy of Plaintiffs' motion, brief, and proposed order.

Because of the ongoing irreparable damage to Plaintiffs' First Amendment rights, notice should not be required.

/s/ JT Morris
JT Morris
FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2023, a true and correct copy of the foregoing document was transmitted via using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record, and further, and a true and correct copy of the foregoing document was sent by electronic mail to Ray Bonilla, West Texas A&M University's General Counsel.

/s/ JT Morris
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